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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,490	08/22/2003	Paul A. Reynolds	DWE/REYNOLDS	8740
32834	7590	04/07/2006	EXAMINER	
D.W. EGGINS 18 DOWNSVIEW DRIVE BARRIE, ON L4M 4P8 CANADA			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/645,490	Applicant(s) REYNOLDS, PAUL A.	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "said three segments" in line 7. There is insufficient antecedent basis for this limitation in the claim. Examiner recommends "said at least three segments".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8&10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goof (USPN 5,156,289).

With respect to claim 1, Goof shows a multi-segment container having at least three substantially identical segments in mutually hinged array to form an enclosure (fig. 3), wherein peripheral wall (12) portions of the segments collectively comprise a peripheral wall (2) of the container, and adjoining side wall (16) portions of the segment collectively form a pair of container end walls (4) in mutually spaced relation, each segment including means for separable connecting each segment in hinged relation to two adjacent said segments to form the container in a closed condition (figs. 1-4), and

for connecting the at least three segments of a container in side by side, serially connected open relation (fig. 2).

5. With respect to claim 2, Goof shows a segment side wall (16) portions each includes a pair of tab portions (28,30) located outside of segment peripheral wall portions, said tab portions (28,30) including elements of said means for severably connecting said segment (fig. 4) being male and female tabs.

6. With respect to claim 3, Goof shows a pair of tab portions (28,30) includes a male (28) and a female hinge (32) portion.

7. With respect to claim 4, Goof shows a container peripheral wall (12) is substantially continuous when said container is in a closed condition (fig.3).

8. With respect to claim 5, Goof shows a container end walls (4) are substantially continuous when said container is in a closed condition (fig. 1).

9. With respect to claim 6,7, Goof discloses

"The utility as combined storage casing and exposure tray can be further increased by associating to each lamellar part a partition insert for removable fitting to the inside of the lamellar part. Thereby objects or utensils can be stored separately in the closed condition of the casing, and can be exposed in a well-arranged and easy accessible manner in the unfolded condition of the casing " (col. Ln. 52)

Goof partitions are disclosed to be on the peripheral wall (12) and has the structure and recitation of applicants peripherally extending separation means on the inner surface thereof, in use for separating elements of predetermined size when inserted into the segment. The above by Goof also inherently discloses the structure and recitation of separation means are corrugations having spaces of predetermined width therebetween. Goof also shows partitions (40) which has the structure and recitation of corrugations.

10. With respect to claim 8, Goof shows the peripheral wall is substantially cylindrical (fig. 1).

11. With respect to claim 10, Goof shows the segment side portions (16) include raised edge portions (50,52) or (54,56) forming abutments with adjoining parts of the segment side portions to serve as stabilizing contact surfaces with adjoined said container segments (col. 4 ln. 3).

12. With respect to claim 11, Goof shows wherein the hinge means consist of female (32) and male (30) detent portions in mutually separable, mutually pivotal, attached relation (fig. 2).

13. With respect to claim 12, Goof shows the male (30) and female (32) detent portions are in predetermined mutually spaced apart relation such that when adjacent segments are in assemble relation to form a closed container (fig.1),Goof shows to the same extent as applicant gaps of predetermined size are created between adjacent surface portions of the container peripheral wall and (20) between adjacent surface portions of the container end walls, to ventilate the container.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goof in view Hunt (5,101,972).

Goof discloses the invention substantially as claimed. However Goof does not disclose segment side portions include a projecting edge portion to form a stabilizing heel for the container when standing in an upright position.

Hunt teaches a projecting edge portion (26), in the same field of endeavor of segmented containers for the purpose of a base.

It would have been obvious to one having ordinary skill in the art at the time the invention was made add the projecting edge portion of Hunt to the container of Goof in order to have a base for support.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JES F. PASCUA
PRIMARY EXAMINER

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